IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 18111 of 2007(F)

PETITIONER:

MARY SEBASTIAN, AGED 73 YEARS,
W/O.LATE V.V.SEBASTIAN, RESIDING AT 41/3499,
OLD RAILWAY STATION ROAD, KOMPARA JUNCTION,
KOCHI- 682 018.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:

---

1. STATE OF KERALA,
REPRESENTED BY SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. DEPUTY COLLECTOR (L.R),
ERNAKULAM.

3. MRS.AGNES, W/O.C.P.VARGHESE,
CHITHAPARAMBIL HOUSE, VADUTHALA DESOM,
OPP.ST.ANTONY'S CHURCH, VADUTHALA,
KOCHI- 682 023.

4. KUNJUMON, S/O.C.P.VARGHESE,
CHITHAPARAMBIL HOUSE,VADUTHALA DESOM,
OPP.ST.ANTONY'S CHURCH, VADUTHALA,
KOCHI- 682 023.

5. JOLLY VARGHESE, S/O.C.P.VARGHESE,
CHITHAPARAMBIL HOUSE, VADUTHALA DESOM,
OPP.ST.ANTONY'S CHURCH, VADUTHALA,
KOCHI- 682 023.

BY GOVERNMENT PLEADER SRI.S.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J

W.P.(C).No. 18111/2007

Dated this 26th day of June, 2007

JUDGMENT

The petitioner is the applicant in O.A.1/2005 pending before the Deputy Collector (LR), Eranakulam, the second respondent herein. One Sri.C.P.Varghese was the tenant in a shed situated in the petitioner's property covering 12 cents with a residential building in Sy. No.316/2 of Eranakulam Village and the said shed is in the occupation of respondents 3 to 5 who are the legal heirs of the said C.P.Varghese.

2. There is a dispute regarding the rent payable by respondents 3 to 5 in respect of which. the petitioner filed an application before the Land Tribunal, Eranakulam. which was numbered as O.A.109/01. The petitioner filed W.P.(C).No. 1862/2004 for disposal of the same, in which this Court directed the Land Tribunal, Eranakulam, to dispose of the petitioner's application. However, the Land Tribunal dismissed the O.A on the ground that the Land Tribunal has no jurisdiction to entertain this application and the same has to be filed before the appropriate

authority. The petitioner now submits as per G.O dated 17.3.1998, the authority to consider such application is the Deputy Collector (LR), Eranakulam, under Section 106 of the Kerala Land Reforms Act. The petitioner, therefore, seeks a direction to the second respondent, Deputy Collector (LR), Eranakulam, to consider and pass orders on Ext.P4 expeditiously.

3. I have heard the learned Government Pleader also. In the facts and circumstances of the case, there would be a direction to the second respondent to consider and pass appropriate orders on Ext.P4 as expeditiously as possible at any rate within two months from the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioner as well as respondents 3 to 5.

The Writ Petition is disposed of as above.

S.SIRI JAGAN
JUDGE

mrcs